

Translation

PATENT COOPERATION TREATY

PCT/EP2003/011136



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 03P01217WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/011136	International filing date (day/month/year) 08 October 2003 (08.10.2003)	Priority date (day/month/year) 27 August 2003 (27.08.2003)
International Patent Classification (IPC) or national classification and IPC D06F 37/26		
Applicant BSH BOSCH UND SIEMENS HAUSGERÄTE GMBH		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 19 October 2004 (19.10.2004)	Date of completion of this report 29 November 2005 (29.11.2005)
Name and mailing address of the IPEA/EP	Authorized officer
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/011136

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ The international application as originally filed/furnished

☒ the description:

pages _____ 1-6 _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

pages _____ 1-5 _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the drawings:

pages _____ 1/2-2/2 _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/11136

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations

Reference is made to GB 2 379 452 A (document D1).

The application fails to meet the requirements of PCT Article 33(1) because the subject matter of claims 1 to 5 does not involve an inventive step (PCT Article 33(3)).

1. Independent claim 1

The following features ((a) and (b)) use relative terms that make the subject matter of claim 1 indistinguishable from the arrangement disclosed in document D1 (figures 1 and 2):

- (a) "positioned as high as possible on" (line 7), and
- (b) "as far as possible away from" (lines 9 to 10)

Thus the difference between the washing machine of D1 (figures 1 and 2) (closest prior art) and the subject matter of claim 1 is that in the claimed washing machine the suds container and the detergent dispenser each have a vent nozzle.

For a person skilled in the art the incorporation of this feature in the washing machine described in D1 would be a routine design solution to the problem of

how to fit a vent pipe that connects the suds container to the detergent dispenser.

2. Dependent claim 2

Document D1 (figures 1 and 2) discloses a washing machine in which the detergent dispenser (40, 50, 51; 400, 500, 510) has a lower part (51, 510) and a lid (40, 400) on the lower part, the lid (40, 400) having air-permeable gaps relative to the lower part (51, 510) (gaps between 40 and 51, or between 400 and 510). Thus the subject matter of claim 2 is known from D1 (figures 1 and 2).

3. Dependent claim 3

Document D1 (figure 3) discloses a lid (400) of a detergent dispenser (figure 4) with raised webs on its underside (see the lower part of the detergent chamber in figures 3 and 4).

To a person skilled in the art it is obvious that a lid of this type can be used with the same results in a washing machine as shown in figures 1 and 2. It would thus be possible to arrive at a washing machine as defined in claim 3 without making an inventive contribution.

4. Dependent claims 4 and 5

- The feature "suds container floor" in claim 4 is understood to mean the lowermost part of the suds container. Claim 4 therefore suggests that this is the location of the inlet nozzle connected to the detergent supply pipe, and yet according to claim 1

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the detergent supply pipe "leads to an upper part of the suds container". This inconsistency creates a problem of clarity (PCT Article 6) with regard to claim 4.

- The term "chimney-like" is vague and unclear, and leaves the reader in doubt as to the meaning of the technical feature referred to. The subject matter of claims 4 and 5 is therefore not clearly defined (PCT Article 6).
 - Claims 4 and 5 seem to be attempting to describe what is shown in figures 1 and 3. This does not involve an inventive step (PCT Article 33(3)) because stability-enhancing mouldings are conventional design features for suds containers. The decision to incorporate such a moulding around the inlet nozzle could only be considered inventive if there were unexpected effects or characteristics associated with the choice of this region as opposed to other parts of the suds container, yet the application fails to specify any such effects or characteristics.
5. The requirement of PCT Rule 11.13(m) has not been met in the case of the following features, all of which have the same reference sign (9) (see figure 1):
- vent nozzle (description, page 5, line 1; claim 1, line 10)
 - connection nozzle (description, page 5, line 8)
 - opening (claim 1, line 6)
 - nozzle (claim 1, line 7)

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